

P26913.A08

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : M. S. BRIGHT et al.

Conf. No. 8261

Appln. No. : 09/303,368

Group Art unit: 3627

Filed : April 30, 1999

Examiner: G. J. O'Connor

For : PRE-PROCESS FOR INBOUND SALES ORDER REQUESTS WITH  
LINK TO A THIRD PARTY AVAILABLE TO PROMISE SYSTEM

**APPEAL BRIEF UNDER 37 C.F.R. § 41.37**

Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Window, Mail Stop Appeal Brief-Patents  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314  
Sir:

This appeal is from the Examiner's final rejection of claims 1, 3, 4, 6, 8, 9, 11, 13-15 and 25-31 as set forth in the Final Office Action of October 20, 2005. A Notice of Appeal and a Request For Pre-Appeal Brief Review, in response to the October 20, 2005 Final Office Action, was filed on January 20, 2006.

Please charge the requisite fee under 37 C.F.R. 41.20(b)(2) in the amount of \$ 500.00 for the filing of the Appeal Brief to Deposit Account No. 09-0456. No additional fee is believed to be required for filing the instant Appeal Brief. However, if for any reason a necessary fee is required for consideration of the instant paper, authorization is hereby given to charge the fee for the Appeal Brief and any necessary extension of time fees to Deposit Account No. 09-0456.

**TABLE OF CONTENTS**

<b>I</b>	<b>REAL PARTY IN INTEREST .....</b>	<b>Page 3.</b>
<b>II</b>	<b>RELATED APPEALS AND INTERFERENCES .....</b>	<b>Page 3.</b>
<b>III</b>	<b>STATUS OF CLAIMS .....</b>	<b>Page 3.</b>
<b>IV</b>	<b>STATUS OF THE AMENDMENTS.....</b>	<b>Page 3.</b>
<b>V</b>	<b>SUMMARY OF THE CLAIMED SUBJECT MATTER.....</b>	<b>Pages 4-7.</b>
<b>VI</b>	<b>GROUND OF REJECTION TO BE REVIEWED ON APPEAL .....</b>	<b>Page 7.</b>
<b>VII</b>	<b>ARGUMENTS RE. § 103 REJECTION .....</b>	<b>Pages 7-24.</b>
<b>VIII</b>	<b>CONCLUSION .....</b>	<b>Page 25.</b>
	<b>CLAIMS APPENDIX .....</b>	<b>Pages 26-30.</b>
	<b>EVIDENCE APPENDIX .....</b>	<b>Page 31.</b>
	<b>RELATED PROCEEDINGS APPENDIX .....</b>	<b>Page 32.</b>

**(I) REAL PARTY IN INTEREST**

The real party in interest is International Business Machines Corporation by an assignment recorded in the U.S. Patent and Trademark Office on April 30, 1999, at Reel 9937 and Frame 0007.

**(II) RELATED APPEALS AND INTERFERENCES**

No related appeals and/or interferences are pending. The instant appeal follows a prior appeal to the Board which was awarded Appeal No. 2003-0901 and which affirmed the Final Rejection dated February 5, 2002.

**(III) STATUS OF THE CLAIMS**

Claims 1, 3, 4, 6, 8, 9, 11, 13-15 and 25-31 stand finally rejected. Claims 2, 5, 7, 10, 12 and 16-24 have been canceled. Claims 1, 3, 4, 6, 8, 9, 11, 13-15 and 25-31 are pending and are part of this appeal. The claims in issue are attached in the "Claims Appendix".

**(IV) STATUS OF THE AMENDMENTS**

A response under 37 C.F.R. § 1.116 was filed December 20, 2005, requesting reconsideration of the finally rejected claims. The Examiner responded with an Advisory Action dated January 4, 2006, indicating that the request for reconsideration was considered, but did not place the application in condition for allowance. Appellant submits that no other amendments after final rejection have been filed and that all amendments to the claims have been entered.

**(V) SUMMARY OF THE CLAIMED SUBJECT MATTER**

**A. The Claimed Subject Matter**

**1. INDEPENDENT CLAIM 1**

With reference to paragraphs [0035] – [0525] of the instant published application 2002/0013731 and to the figures, and by way of non-limiting example, the invention provides for a system for pre-processing orders before they are transmitted to an order processing system (209), comprising: an order interceptor (201) receiving and pre-processing electronic sales order data (see paragraph [0035]) prior to transmitting to the order processing system (209), the order interceptor (201) being capable of adding, changing and deleting electronic sales order data (see paragraph [0021]), wherein changes to an electronic sales order are logged so as to provide an audit trail of activity (see paragraph [0021]); an interface system (204 and/or 205) receiving the electronic sales order data from the order interceptor (201) and performing an availability check (see paragraphs [0016] and [0041]), wherein the availability check (204) determines the portions of the electronic sales order data that can be satisfied (see paragraph [0041]); and means for transmitting (208) at least a portion of the electronic sales order data to the order processing system (209) for order processing (see paragraph [0038]).

**2. INDEPENDENT CLAIM 31**

With reference to paragraphs [0035] – [0525] of the instant published application 2002/0013731 and to the figures, and by way of non-limiting example, the invention provides for a system for pre-processing orders before they are transmitted to an order

P26913.A08

processing system (209), comprising: an order interceptor (201) receiving and pre-processing electronic sales order data (see paragraph [0035]) prior to transmitting to the order processing system (209), wherein pre-processing the electronic sales order includes splitting the electronic sales order into at least two separate requests (see paragraphs [0016] and [0017]) prior to transmitting (see paragraph [0038]) to the order processing system (209); an interface system (204 and/or 205) receiving the electronic sales order data from the order interceptor (201) and performing an availability check (see paragraphs [0016] and [0041]), wherein the availability check determines the portions of the electronic sales order data that can be satisfied (see paragraph [0041]); and means for transmitting (208) at least a portion of the electronic sales order data to the order processing system (209) for order processing (see paragraph [0038]).

### **3. DEPENDENT CLAIM 3**

With reference to paragraphs [0035] – [0525] of the instant published application 2002/0013731 and to the figures, and by way of non-limiting example, the invention provides that the order interceptor comprises: means for translating (205) the electronic sales order data to an internal format of the order interceptor (see paragraph [0035]); means for determining (306) if an availability check is required (see paragraph 0041); means for transmitting (208) at least a portion of the electronic sales order data (see paragraph [0038]); means for determining (206) if there are any processing problems associated with the electronic sales order data (see paragraph [0036]); and means for processing (201 and 210) the electronic sales order data in accordance with business rules (see paragraph [0035]).

**4. DEPENDENT CLAIM 6**

With reference to paragraphs [0035] – [0525] of the instant published application 2002/0013731 and to the figures, and by way of non-limiting example, the invention provides that the workbench comprises: a) means for displaying (206 and/or a user terminal 403 in step 408) electronic sales order data that contains errors or is incomplete (see paragraph [0044]); b) means for displaying (415 and/or a user terminal 403 in step 408) error messages associated with the electronic sales order data of step a); and c) means (206) for correcting, editing, and updating the at least one database containing electronic sales order data (see paragraph [0044]).

**5. DEPENDENT CLAIM 8**

With reference to paragraphs [0035] – [0525] of the instant published application 2002/0013731 and to the figures, and by way of non-limiting example, the invention provides that the workbench further comprises: means for displaying (403) the status of the electronic sales order data; means for determining (411) if the configuration rules are satisfied; and means for indicating (412 and/or 207) to the order interceptor that at least a portion of the electronic order data is rejected (see paragraphs [0044] and [0045]).

**6. DEPENDENT CLAIM 11**

With reference to paragraphs [0035] – [0525] of the instant published application 2002/0013731 and to the figures, and by way of non-limiting example, the invention provides that the reject acknowledgment system (207) comprises: means for updating

(513) the at least one database to indicate the portions of the electronic order data that have been rejected (see paragraph [0045]).

#### **7. DEPENDENT CLAIM 13**

With reference to paragraphs [0035] – [0525] of the instant published application 2002/0013731 and to the figures, and by way of non-limiting example, the invention provides that the reject acknowledgment system (207) further comprises: means for determining (505) if the electronic sales order data was received via a transmission from the World Wide Web; and means for updating the at least one database in either an ESO format or an SAP format (see paragraphs [0037] and [0044]).

#### **(VI) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

**Whether claims 1, 3, 4, 6, 8, 9, 11, 13-15 and 25-31 are improperly rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,023,683 to JOHNSON et al. alone.**

#### **(VII) ARGUMENT RE. 103(a) REJECTION**

##### **REJECTION OF INDEPENDENT CLAIM 1 UNDER 35 U.S.C. § 103 IS IN ERROR**

The rejection of claim 1 under 35 U.S.C. § 103(a) as being unpatentable over JOHNSON alone is in error, the decision of the Examiner to reject this claim should be reversed, and the application should be remanded to the Examiner.

Independent claim 1 recites a system for pre-processing orders before they are transmitted to an order processing system, comprising: an order interceptor receiving and pre-processing electronic sales order data prior to transmitting to the order

processing system, the order interceptor being capable of adding, changing and deleting electronic sales order data, wherein changes to an electronic sales order are logged so as to provide an audit trail of activity; an interface system receiving the electronic sales order data from the order interceptor and performing an availability check, wherein the availability check determines the portions of the electronic sales order data that can be satisfied; and means for transmitting at least a portion of the electronic sales order data to the order processing system for order processing.

On pages 3 and 4 of the Final Office Action, the Examiner asserted that:

[JOHNSON] clearly anticipates all of the substantive elements of the instant invention, except that the system of [JOHNSON] is an integrated, unitary system, performing all necessary processing steps/functions, whereas the system contemplated by the instant invention, while performing exactly the same steps/functions overall, merely splits the various processing steps/functions out into two separate modules or processing systems, a "pre-processor" and a "processor".

Appellants respectfully disagree. First, JOHNSON does not disclose or suggest an order interceptor that receives and pre-processes electronic sales order data prior to transmitting to the order processing system such that the order interceptor is capable of adding, changing and deleting electronic sales order data, much less, that changes to an electronic sales order are logged so as to provide an audit trail of activity. Indeed, the Examiner has failed to identify any language in JOHNSON whatsoever which even remotely discloses or suggests this feature.

The Examiner relies on certain arguments made in the Examiner's Answer in the prior appeal. This is improper because the prior appeal was not based on the



P26913.A08

combination of features presently recited in claim 1, and did not discuss how JOHNSON alone discloses or suggests this combination of features.

Appellants acknowledge that, on page 6 of the instant Final Office Action, the Examiner asserts that this feature is taught at col. 15, lines 60-62 of JOHNSON. However, this assertion is without merit.

The noted language of JOHNSON merely states the following:

Electronic sourcing system 5 also contains the capability to log messages returned from inventory sourcing program or programs 44B of Fisher RIMS system 40.

Such language is hardly suggestive of an order interceptor that receives and pre-processes electronic sales order data prior to transmitting to the order processing system such that the order interceptor is capable of adding, changing and deleting electronic sales order data, much less, that changes to an electronic sales order are logged so as to provide an audit trail of activity. Nor has the Examiner explained how such language is suggestive of this feature.

Second, Appellants submit that the system of JOHNSON relies extensively on human manual interaction to search catalog databases and to *subsequently build an order*. As a result, JOHNSON does not teach intercepting or receiving a "completed" order submission and checking for portions of the sales order that can be satisfied as recited by claim 1.

Third, Appellants do not dispute that JOHNSON is capable of creating an order list including desired catalog items available from vendor product catalogs as a result of

such a database search. To provide these functions, JOHNSON shows a computer that maintains a catalog database including product information relating to catalog items available from vendor product catalogs, and a means for generating a requisition including at least one requisitioned item. Information at least partially identifying an item desired to be requisitioned is entered *manually by a user*, and utilized for searching the database for catalog items matching that information and for selecting at least one item as a result of the search. Data identifying the selected catalog items are communicated to the requisition building module, which generates a requisition including entries for items corresponding to the selected catalog items. Additionally, JOHNSON may check the availability of one or more inventory locations of the corresponding catalog items (See, cols. 2 and 3). However, these features are not suggestive or the features recited in at least claim 1, and the Examiner has not demonstrated otherwise.

Because the above-noted document fails to disclose, or even suggest, at least the above-noted features of the instant invention, Appellants submit that no proper modification of this document renders unpatentable the combination of features recited in at least independent claim 1.

**REJECTION OF INDEPENDENT CLAIM 31 UNDER 35 U.S.C. § 103 IS IN ERROR**

The rejection of claim 31 under 35 U.S.C. § 103(a) as being unpatentable over JOHNSON alone is in error, the decision of the Examiner to reject this claim should be reversed, and the application should be remanded to the Examiner.

Independent claim 31 recites a system for pre-processing orders before they are transmitted to an order processing system, comprising: an order interceptor receiving

and pre-processing electronic sales order data prior to transmitting to the order processing system, wherein pre-processing the electronic sales order includes splitting the electronic sales order into at least two separate requests prior to transmitting to the order processing system; an interface system receiving the electronic sales order data from the order interceptor and performing an availability check, wherein the availability check determines the portions of the electronic sales order data that can be satisfied; and means for transmitting at least a portion of the electronic sales order data to the order processing system for order processing.

On page 4 of the Final Office Action, the Examiner acknowledged that JOHNSON does "not specifically teach splitting the electronic sales order into at least two separate requests prior to transmitting to the order processing system." However, the Examiner explains that this feature "is certainly well known, hence obvious, ..." Appellants respectfully disagree.

First, the Examiner is not correct that because a feature is asserted to be known that its is automatically or *per se* obvious. If this were true, nothing would be patentable because virtually all inventions are directed to a combination of known features.

Second, the Examiner has not established that this feature is in fact "well known". Appellants remind the Examiner that MPEP 2144.03 specifically explains that "[o]fficial notice unsupported by documentary evidence should only be taken by the examiner where the facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well-known." Accordingly, Appellants

respectfully request that the Examiner produce documentary evidence to support the Examiner's assertions to the extent that the Examiner is relying on official notice.

Third, Appellants do not dispute that JOHNSON is capable of creating an order list including desired catalog items available from vendor product catalogs as a result of such a database search. To provide these functions, JOHNSON shows a computer that maintains a catalog database including product information relating to catalog items available from vendor product catalogs, and a means for generating a requisition including at least one requisitioned item. Information at least partially identifying an item desired to be requisitioned is entered *manually by a user*, and utilized for searching the database for catalog items matching that information and for selecting at least one item as a result of the search. Data identifying the selected catalog items are communicated to the requisition building module, which generates a requisition including entries for items corresponding to the selected catalog items. Additionally, JOHNSON may check the availability of one or more inventory locations of the corresponding catalog items (See, cols. 2 and 3). However, these features are not suggestive or the features recited in at least claim 31, and the Examiner has not demonstrated otherwise.

Because the above-noted document fails to disclose, or even suggest, at least the above-noted features of the instant invention, Appellants submit that no proper modification of this document renders unpatentable the combination of features recited in at least independent claim 31.

**REJECTION OF DEPENDENT CLAIM 3 UNDER 35 U.S.C. § 103 IS IN ERROR**

The rejection of claim 3 under 35 U.S.C. § 103(a) as being unpatentable over

JOHNSON alone is in error, the decision of the Examiner to reject this claim should be reversed, and the application should be remanded to the Examiner.

Claim 3 recites that the order interceptor comprises: means for translating the electronic sales order data to an internal format of the order interceptor; means for determining if an availability check is required; means for transmitting at least a portion of the electronic sales order data; means for determining if there are any processing problems associated with the electronic sales order data; and means for processing the electronic sales order data in accordance with business rules.

The Examiner has failed to identify any disclosure in JOHNSON with regard to each of the features recited in claim 3. As such, a *prima facie* case of unpatentability has not been set forth with regard to claim 3. Furthermore, while it may be argued that JOHNSON discloses a requisition/purchasing system that uses various devices and programs, it is not apparent that JOHNSON discloses or suggests an order interceptor that comprises: means for translating the electronic sales order data to an internal format of the order interceptor; means for determining if an availability check is required; means for transmitting at least a portion of the electronic sales order data; means for determining if there are any processing problems associated with the electronic sales order data; and means for processing the electronic sales order data in accordance with business rules. Finally, Appellants also submit that dependent claim 3 is allowable at least for the reason that this claim depends from allowable claim 1.

Because the above-noted document fails to disclose, or even suggest, at least the above-noted features of the instant invention, Appellants submit that no proper

modification of this document renders unpatentable the combination of features recited in at least independent claim 3.

**REJECTION OF DEPENDENT CLAIM 6 UNDER 35 U.S.C. § 103 IS IN ERROR**

The rejection of claim 6 under 35 U.S.C. § 103(a) as being unpatentable over JOHNSON alone is in error, the decision of the Examiner to reject this claim should be reversed, and the application should be remanded to the Examiner.

Claim 6 recites that the workbench comprises: a) means for displaying electronic sales order data that contains errors or is incomplete; b) means for displaying error messages associated with the electronic sales order data of step a); and c) means for correcting, editing, and updating the at least one database containing electronic sales order data.

The Examiner has failed to identify any disclosure in JOHNSON with regard to each of the features recited in claim 6. As such, a *prima facie* case of unpatentability has not been set forth with regard to claim 6. Furthermore, while it may be argued that JOHNSON discloses a requisition/purchasing system that uses various devices and programs, it is not apparent that JOHNSON discloses or suggests a workbench that comprises: a) means for displaying electronic sales order data that contains errors or is incomplete; b) means for displaying error messages associated with the electronic sales order data of step a); and c) means for correcting, editing, and updating the at least one database containing electronic sales order data. Finally, Appellants also submit that dependent claim 6 is allowable at least for the reason that this claim depends from allowable claims 1 and 4.

Because the above-noted document fails to disclose, or even suggest, at least the above-noted features of the instant invention, Appellants submit that no proper modification of this document renders unpatentable the combination of features recited in at least independent claim 6.

**REJECTION OF DEPENDENT CLAIM 8 UNDER 35 U.S.C. § 103 IS IN ERROR**

The rejection of claim 8 under 35 U.S.C. § 103(a) as being unpatentable over JOHNSON alone is in error, the decision of the Examiner to reject this claim should be reversed, and the application should be remanded to the Examiner.

Claim 8 recites that the workbench further comprises: means for displaying the status of the electronic sales order data; means for determining if the configuration rules are satisfied; and means for indicating to the order interceptor that at least a portion of the electronic order data is rejected.

The Examiner has failed to identify any disclosure in JOHNSON with regard to each of the features recited in claim 8. As such, a *prima facie* case of unpatentability has not been set forth with regard to claim 8. Furthermore, while it may be argued that JOHNSON discloses a requisition/purchasing system that uses various devices and programs, it is not apparent that JOHNSON discloses or suggests that the workbench further comprises: means for displaying the status of the electronic sales order data; means for determining if the configuration rules are satisfied; and means for indicating to the order interceptor that at least a portion of the electronic order data is rejected. Finally, Appellants also submit that dependent claim 8 is allowable at least for the reason that this claim depends from allowable claims 1, 4 and 6.

Because the above-noted document fails to disclose, or even suggest, at least the above-noted features of the instant invention, Appellants submit that no proper modification of this document renders unpatentable the combination of features recited in at least independent claim 8.

**REJECTION OF DEPENDENT CLAIM 9 UNDER 35 U.S.C. § 103 IS IN ERROR**

The rejection of claim 9 under 35 U.S.C. § 103(a) as being unpatentable over JOHNSON alone is in error, the decision of the Examiner to reject this claim should be reversed, and the application should be remanded to the Examiner.

Claim 9 recites that the system further comprises a reject acknowledgment system receiving an indication from the order interceptor that at least a portion of the electronic sales order data has been rejected.

The Examiner has failed to identify any disclosure in JOHNSON with regard to each of the features recited in claim 9. As such, a *prima facie* case of unpatentability has not been set forth with regard to claim 9. Furthermore, while it may be argued that JOHNSON discloses a requisition/purchasing system that uses various devices and programs, it is not apparent that JOHNSON discloses or suggests a reject acknowledgment system receiving an indication from the order interceptor that at least a portion of the electronic sales order data has been rejected. Finally, Appellants also submit that dependent claim 9 is allowable at least for the reason that this claim depends from allowable claim 1.

Because the above-noted document fails to disclose, or even suggest, at least the above-noted features of the instant invention, Appellants submit that no proper



P26913.A08

modification of this document renders unpatentable the combination of features recited in at least independent claim 9.

**REJECTION OF DEPENDENT CLAIM 11 UNDER 35 U.S.C. § 103 IS IN ERROR**

The rejection of claim 11 under 35 U.S.C. § 103(a) as being unpatentable over JOHNSON alone is in error, the decision of the Examiner to reject this claim should be reversed, and the application should be remanded to the Examiner.

Claim 11 recites that the reject acknowledgment system comprises means for updating the at least one database to indicate the portions of the electronic order data that have been rejected.

The Examiner has failed to identify any disclosure in JOHNSON with regard to each of the features recited in claim 11. As such, a *prima facie* case of unpatentability has not been set forth with regard to claim 11. Furthermore, while it may be argued that JOHNSON discloses a requisition/purchasing system that uses various devices and programs, it is not apparent that JOHNSON discloses or suggests that the reject acknowledgment system comprises means for updating the at least one database to indicate the portions of the electronic order data that have been rejected. Finally, Appellants also submit that dependent claim 11 is allowable at least for the reason that this claim depends from allowable claims 1 and 9.

Because the above-noted document fails to disclose, or even suggest, at least the above-noted features of the instant invention, Appellants submit that no proper modification of this document renders unpatentable the combination of features recited in at least independent claim 11.

**REJECTION OF DEPENDENT CLAIM 13 UNDER 35 U.S.C. § 103 IS IN ERROR**

The rejection of claim 13 under 35 U.S.C. § 103(a) as being unpatentable over JOHNSON alone is in error, the decision of the Examiner to reject this claim should be reversed, and the application should be remanded to the Examiner.

Claim 13 recites that the reject acknowledgment system further comprises: means for determining if the electronic sales order data was received via a transmission from the World Wide Web; and means for updating the at least one database in either an ESO format or an SAP format.

The Examiner has failed to identify any disclosure in JOHNSON with regard to each of the features recited in claim 13. As such, a *prima facie* case of unpatentability has not been set forth with regard to claim 13. Furthermore, while it may be argued that JOHNSON discloses a requisition/purchasing system that uses various devices and programs, it is not apparent that JOHNSON discloses or suggests that the reject acknowledgment system further comprises: means for determining if the electronic sales order data was received via a transmission from the World Wide Web; and means for updating the at least one database in either an ESO format or an SAP format. Finally, Appellants also submit that dependent claim 11 is allowable at least for the reason that this claim depends from allowable claims 1, 9 and 11.

Because the above-noted document fails to disclose, or even suggest, at least the above-noted features of the instant invention, Appellants submit that no proper modification of this document renders unpatentable the combination of features recited in at least independent claim 13.

**REJECTION OF DEPENDENT CLAIM 14 UNDER 35 U.S.C. § 103 IS IN ERROR**

The rejection of claim 14 under 35 U.S.C. § 103(a) as being unpatentable over JOHNSON alone is in error, the decision of the Examiner to reject this claim should be reversed, and the application should be remanded to the Examiner.

Claim 14 recites that the order interceptor receives the electronic sales order data in a standard Electronic Data Interchange (EDI) format.

The Examiner has failed to identify any disclosure in JOHNSON with regard to each of the features recited in claim 14. As such, a *prima facie* case of unpatentability has not been set forth with regard to claim 14. Furthermore, while it may be argued that JOHNSON discloses a requisition/purchasing system that uses various devices and programs, it is not apparent that JOHNSON discloses or suggests that the order interceptor receives the electronic sales order data in a standard Electronic Data Interchange (EDI) format. Finally, Appellants also submit that dependent claim 14 is allowable at least for the reason that this claim depends from allowable claim 1.

Because the above-noted document fails to disclose, or even suggest, at least the above-noted features of the instant invention, Appellants submit that no proper modification of this document renders unpatentable the combination of features recited in at least independent claim 14.

**REJECTION OF DEPENDENT CLAIM 15 UNDER 35 U.S.C. § 103 IS IN ERROR**

The rejection of claim 15 under 35 U.S.C. § 103(a) as being unpatentable over JOHNSON alone is in error, the decision of the Examiner to reject this claim should be reversed, and the application should be remanded to the Examiner.

Claim 15 recites that the system is a SAP system.

The Examiner has failed to identify any disclosure in JOHNSON with regard to the recited SAP system of claim 15. As such, a *prima facie* case of unpatentability has not been set forth with regard to claim 15. Furthermore, while it may be argued that JOHNSON discloses a requisition/purchasing system that uses various devices and programs, it is not apparent that JOHNSON discloses or suggests that the system is an SAP system. Finally, Appellants also submit that dependent claim 15 is allowable at least for the reason that this claim depends from allowable claim 1.

Because the above-noted document fails to disclose, or even suggest, at least the above-noted features of the instant invention, Appellants submit that no proper modification of this document renders unpatentable the combination of features recited in at least independent claim 15.

**REJECTION OF DEPENDENT CLAIM 25 UNDER 35 U.S.C. § 103 IS IN ERROR**

The rejection of claim 25 under 35 U.S.C. § 103(a) as being unpatentable over JOHNSON alone is in error, the decision of the Examiner to reject this claim should be reversed, and the application should be remanded to the Examiner.

Claim 25 recites that the order interceptor determines if any processing problems are present and, if so, creates a workflow item that can be reviewed and modified prior to transmitting to the order processing system.

The Examiner has failed to identify any disclosure in JOHNSON with regard to the features recited in claim 25. As such, a *prima facie* case of unpatentability has not been set forth with regard to claim 25. Furthermore, while it may be argued that

JOHNSON discloses a requisition/purchasing system that uses various devices and programs, it is not apparent that JOHNSON discloses or suggests that the order interceptor determines if any processing problems are present and, if so, creates a workflow item that can be reviewed and modified prior to transmitting to the order processing system. Finally, Appellants also submit that dependent claim 25 is allowable at least for the reason that this claim depends from allowable claim 1.

Because the above-noted document fails to disclose, or even suggest, at least the above-noted features of the instant invention, Appellants submit that no proper modification of this document renders unpatentable the combination of features recited in at least independent claim 25.

**REJECTION OF DEPENDENT CLAIM 26 UNDER 35 U.S.C. § 103 IS IN ERROR**

The rejection of claim 26 under 35 U.S.C. § 103(a) as being unpatentable over JOHNSON alone is in error, the decision of the Examiner to reject this claim should be reversed, and the application should be remanded to the Examiner.

Claim 26 recites that the order interceptor validates an accuracy of the electronic sales order at the different stages prior to transmitting to the order processing system.

The Examiner has failed to identify any disclosure in JOHNSON with regard to the features recited in claim 26. As such, a *prima facie* case of unpatentability has not been set forth with regard to claim 26. Furthermore, while it may be argued that JOHNSON discloses a requisition/purchasing system that uses various devices and programs, it is not apparent that JOHNSON discloses or suggests that the order interceptor validates an accuracy of the electronic sales order at the different stages

P26913.A08

prior to transmitting to the order processing system. Finally, Appellants also submit that dependent claim 26 is allowable at least for the reason that this claim depends from allowable claim 1.

Because the above-noted document fails to disclose, or even suggest, at least the above-noted features of the instant invention, Appellants submit that no proper modification of this document renders unpatentable the combination of features recited in at least independent claim 26.

**REJECTION OF DEPENDENT CLAIM 27 UNDER 35 U.S.C. § 103 IS IN ERROR**

The rejection of claim 27 under 35 U.S.C. § 103(a) as being unpatentable over JOHNSON alone is in error, the decision of the Examiner to reject this claim should be reversed, and the application should be remanded to the Examiner.

Claim 27 recites that the order interceptor processes data by customer specific business rules prior to transmitting to the order processing system.

The Examiner has failed to identify any disclosure in JOHNSON with regard to the features recited in claim 27. As such, a *prima facie* case of unpatentability has not been set forth with regard to claim 27. Furthermore, while it may be argued that JOHNSON discloses a requisition/purchasing system that uses various devices and programs, it is not apparent that JOHNSON discloses or suggests that the order interceptor processes data by customer specific business rules prior to transmitting to the order processing system. Finally, Appellants also submit that dependent claim 27 is allowable at least for the reason that this claim depends from allowable claim 1.

Because the above-noted document fails to disclose, or even suggest, at least

the above-noted features of the instant invention, Appellants submit that no proper modification of this document renders unpatentable the combination of features recited in at least independent claim 27.

**REJECTION OF DEPENDENT CLAIM 28 UNDER 35 U.S.C. § 103 IS IN ERROR**

The rejection of claim 28 under 35 U.S.C. § 103(a) as being unpatentable over JOHNSON alone is in error, the decision of the Examiner to reject this claim should be reversed, and the application should be remanded to the Examiner.

Claim 28 recites that the order interceptor ensures all attributes are present and accurate in the electronic sales order prior to transmitting to the order processing system.

The Examiner has failed to identify any disclosure in JOHNSON with regard to the features recited in claim 28. As such, a *prima facie* case of unpatentability has not been set forth with regard to claim 28. Furthermore, while it may be argued that JOHNSON discloses a requisition/purchasing system that uses various devices and programs, it is not apparent that JOHNSON discloses or suggests that the order interceptor ensures all attributes are present and accurate in the electronic sales order prior to transmitting to the order processing system. Finally, Appellants also submit that dependent claim 28 is allowable at least for the reason that this claim depends from allowable claims 1 and 27.

Because the above-noted document fails to disclose, or even suggest, at least the above-noted features of the instant invention, Appellants submit that no proper modification of this document renders unpatentable the combination of features recited

in at least independent claim 28.

**REJECTION OF DEPENDENT CLAIM 29 UNDER 35 U.S.C. § 103 IS IN ERROR**

The rejection of claim 29 under 35 U.S.C. § 103(a) as being unpatentable over JOHNSON alone is in error, the decision of the Examiner to reject this claim should be reversed, and the application should be remanded to the Examiner.

Claim 29 recites that the order interceptor allows correction of problems in the electronic sales order in a prior to transmitting to the order processing system.

The Examiner has failed to identify any disclosure in JOHNSON with regard to the features recited in claim 29. As such, a *prima facie* case of unpatentability has not been set forth with regard to claim 29. Furthermore, while it may be argued that JOHNSON discloses a requisition/purchasing system that uses various devices and programs, it is not apparent that JOHNSON discloses or suggests that the order interceptor allows correction of problems in the electronic sales order in a prior to transmitting to the order processing system. Finally, Appellants also submit that dependent claim 29 is allowable at least for the reason that this claim depends from allowable claim 1.

Because the above-noted document fails to disclose, or even suggest, at least the above-noted features of the instant invention, Appellants submit that no proper modification of this document renders unpatentable the combination of features recited in at least independent claim 29.



**(VIII) CONCLUSION**

Each of claims 1, 3, 4, 6, 8, 9, 11, 13-15 and 25-31 are patentable under 35 U.S.C. § 103(a). Specifically, the applied art of record fails to disclose or suggest the unique combination of features recited in Appellants' claims 1, 3, 4, 6, 8, 9, 11, 13-15 and 25-31. Accordingly, Appellants respectfully request that the Board reverse the decision of the Examiner to finally reject claims 1, 3, 4, 6, 8, 9, 11, 13-15 and 25-31 under 35 U.S.C. § 103(a), and remand the application to the Examiner for withdrawal of the above-noted rejections.

Respectfully submitted,  
M. S. BRIGHT et al.

A handwritten signature in black ink, appearing to read 'Andrew M. Calderon', written over a horizontal dashed line.

Andrew M. Calderon  
Reg. No. 38,093

April 6, 2006  
GREENBLUM & BERNSTEIN, P.L.C.  
1950 Roland Clarke Place  
Reston, VA 20191  
703-716-1191

Attachments: Claims Appendix, Evidence Appendix, and Related Proceedings Appendix

CLAIMS ON APPEAL

1. A system for pre-processing orders before they are transmitted to an order processing system, comprising:

an order interceptor receiving and pre-processing electronic sales order data prior to transmitting to the order processing system, the order interceptor being capable of adding, changing and deleting electronic sales order data, wherein changes to an electronic sales order are logged so as to provide an audit trail of activity;

an interface system receiving the electronic sales order data from the order interceptor and performing an availability check, wherein the availability check determines the portions of the electronic sales order data that can be satisfied; and

means for transmitting at least a portion of the electronic sales order data to the order processing system for order processing.

3. The system of claim 1, wherein the order interceptor comprises:

means for translating the electronic sales order data to an internal format of the order interceptor;

means for determining if an availability check is required;

means for transmitting at least a portion of the electronic sales order data;

means for determining if there are any processing problems associated with the electronic sales order data; and

P26913.A08

means for processing the electronic sales order data in accordance with business rules.

4. The system of claim 1, further comprising a workbench receiving electronic sales order data that contains errors or is incomplete.

6. The system of claim 4, wherein the workbench comprises:

a) means for displaying electronic sales order data that contains errors or is incomplete;

b) means for displaying error messages associated with the electronic sales order data of step a); and

c) means for correcting, editing, and updating the at least one database containing electronic sales order data.

8. The system of claim 6, wherein the workbench further comprises:

means for displaying the status of the electronic sales order data;

means for determining if the configuration rules are satisfied; and

means for indicating to the order interceptor that at least a portion of the electronic order data is rejected.

P26913.A08

9. The system of claim 1, further comprising a reject acknowledgment system receiving an indication from the order interceptor that at least a portion of the electronic sales order data has been rejected.

11. The system of claim 9, wherein the reject acknowledgment system comprises:

means for updating the at least one database to indicate the portions of the electronic order data that have been rejected.

13. The system of claim 11, wherein the reject acknowledgment system further comprises:

means for determining if the electronic sales order data was received via a transmission from the World Wide Web; and

means for updating the at least one database in either an ESO format or an SAP format.

14. The system of claim 1, wherein the order interceptor receives the electronic sales order data in a standard Electronic Data Interchange (EDI) format.

15. The order interceptor system of claim 1, wherein the system is an SAP system.

25. The order interceptor system of claim 1, wherein the order interceptor determines if any processing problems are present and, if so, creates a workflow item that can be reviewed and modified prior to transmitting to the order processing system.

26. The order interceptor system of claim 1, wherein the order interceptor validates an accuracy of the electronic sales order at the different stages prior to transmitting to the order processing system.

27. The order interceptor system of claim 1, wherein the order interceptor processes data by customer specific business rules prior to transmitting to the order processing system.

28. The order interceptor system of claim 27, wherein the order interceptor ensures all attributes are present and accurate in the electronic sales order prior to transmitting to the order processing system.

29. The order interceptor system of claim 1, wherein the order interceptor allows correction of problems in the electronic sales order in a prior to transmitting to the order processing system.

30. The order interceptor system of claim 1, wherein the electronic sales order data is a proposed customer order.

P26913.A08

31. A system for pre-processing orders before they are transmitted to an order processing system, comprising:

an order interceptor receiving and pre-processing electronic sales order data prior to transmitting to the order processing system, wherein pre-processing the electronic sales order includes splitting the electronic sales order into at least two separate requests prior to transmitting to the order processing system;

an interface system receiving the electronic sales order data from the order interceptor and performing an availability check, wherein the availability check determines the portions of the electronic sales order data that can be satisfied; and

means for transmitting at least a portion of the electronic sales order data to the order processing system for order processing.

EVIDENCE APPENDIX

This section lists evidence submitted pursuant to 35 U.S.C. §§1.130, 1.131, or 1.132, or any other evidence entered by the Examiner and relied upon by Appellant in this appeal, and provides for each piece of evidence a brief statement setting forth where in the record that evidence was entered by the Examiner. Copies of each piece of evidence are provided as required by 35 U.S.C. §41.37(c)(ix).

NO.	EVIDENCE	BRIEF STATEMENT SETTING FORTH WHERE IN THE RECORD THE EVIDENCE WAS ENTERED BY THE EXAMINER
1	N/A	N/A

P26913.A08

RELATED PROCEEDINGS APPENDIX

Pursuant to 35 U.S.C. §41.37(c)(x), copies of the following decisions rendered by a court of the Board in any proceeding identified above under 35 U.S.C. §41.37(c)(1)(ii) are enclosed herewith.

NO.	TYPE OF PROCEEDING	REFERENCE NO.	DATE
1	N/A	N/A	N/A